

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Vredenburgh	Team: Team # 5	CCRB Case #: 200612302	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/02/2006 10:15 PM, Wednesday, 08/30/2006 , Thursday, 08/31/2006	Location of Incident: 71st Precinct stationhouse	Precinct: 71	18 Mo. SOL 2/2/2008	EO SOL 2/2/2008	
Date/Time CV Reported Sat, 09/16/2006 6:11 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Sat, 09/16/2006 6:11 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Paul Insauto	14771	930399	071 PCT
2. SGT Gregory Abrahams	04441	907684	H BX/Q

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Houlihan	01530	919940	071 PCT
2. POM Mark Zajac	20933	931472	071 PCT
3. POM Eric Perez	28841	929448	071 PCT
4. POM Noel Jugraj	31578	931753	071 PCT
5. POM Raymond Weng	07767	932068	071 PCT
6. POM Christopher Muller	18369	925795	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.SGT Gregory Abrahams	Force: On August 2, 2006, Sergeant Gregory Abrahams used physical force against § 87(2)(b)	
B.POM Paul Insauto	Force: On August 2, 2006, Officer Paul Insauto used physical force against § 87(2)(b)	
C.SGT Gregory Abrahams	Abuse: On August 2 and 31, 2006, Sergeant Gregory Abrahams authorized the strip searches of § 87(2)(b)	
D.POM Paul Insauto	Abuse: On August 13, 2006, Officer Paul Insauto strip-searched § 87(2)(b)	
E.SGT Gregory Abrahams	Abuse: On August 31, 2006, Sergeant Gregory Abrahams authorized the strip search of § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Synopsis

On September 16, 2006, § 87(2)(b) filed this complaint with the CCRB by phone. On April 18, 2006, this case was reassigned from Investigator Hager to Investigator Vredenburg after Investigator Hager resigned from the CCRB. The complaint concerns three incidents on three different dates in which § 87(2)(b) alleged that the same four officers were involved in each incident. However, the investigation revealed that the same four officers could not have been involved in each incident and the subject officers were identified during the investigation. § 87(2)(b) also alleged that he was stopped by officers on an unknown fourth date, but since he could not provide a date for the incident the investigation of the fourth incident could not be conducted. The first incident occurred on August 2, 2006, at about 10:15 PM, near the intersection of Sterling Street and Nostrand Avenue, in Brooklyn, when § 87(2)(b) was arrested by Officer Paul Insauto. In a bathroom at the 71st Precinct stationhouse, Sergeant Gregory Abrahams kicked § 87(2)(b) and dropped him to the ground (allegation A). § 87(2)(b) was brought from the bathroom to a private room and while walking to the room an officer identified as Officer Insauto pushed § 87(2)(b) and called § 87(2)(b) a “bitch” (allegation B). § 87(2)(b) was § 87(2)(b) § 87(2)(b) was strip searched in the private room, which Sergeant Abrahams authorized (allegation C). On August 13, 2006, at about 9:30 PM, § 87(2)(b) was near the corner of Nostrand Avenue and Sterling Street, and Officer Insauto arrested § 87(2)(b) § 87(2)(b). § 87(2)(b) was strip searched at the 71st Precinct stationhouse by Officer Insauto (allegation D). On August 31, 2006, § 87(2)(b) and § 87(2)(b) were arrested by Officer Mark Zajac. § 87(2)(b) § 87(2)(b) and § 87(2)(b) were strip searched at the 71st Precinct (allegations C and E). On August 31, 2006, Sergeant Abrahams did not document the strip search of § 87(2)(b) (allegation F).

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Summary of Complaint

§ 87(2)(b) a § 87(2)(b), made statements regarding the incidents in filing the complaint (encl. 5A-B) and in his CCRB interview on September 26, 2006 (encl. 6A-D). § 87(2)(b)'s statements regarding the incident were somewhat consistent and have been condensed in the following narrative with the significant variations noted below.

§ 87(2)(b) stated that on August 2, 2006, at about 10:15 PM, he was near the intersection of Sterling Street and Nostrand Avenue in Brooklyn after having bought marijuana about ten blocks away on Flatbush Avenue. § 87(2)(b) stated that Officer Michael Houlihan, who was driving, and three unidentified officers stopped near him in an unmarked silver vehicle. The investigation determined that Officer Paul Insauto, Officer Houlihan, and Sergeant Gregory Abrahams were the only officers at the scene. § 87(2)(b) described Officer Insauto as a black or Hispanic male in plain clothes about 5'10" and weighing slightly more than 180 pounds. § 87(2)(b) described Sergeant Abrahams as a Hispanic male in plain clothes about 5'7" and weighing about 170 pounds. Officer Insauto, Officer Houlihan, and Sergeant

Abrahams exited the vehicle, each officer searched § 87(2)(b) and § 87(2)(b) was placed in handcuffs and transported to the 71st Precinct stationhouse.

Officer Houlihan informed § 87(2)(b) that he was going to be strip searched and § 87(2)(b) refused to be strip searched. Officer Houlihan, Officer Insauto, and Sergeant Abrahams brought § 87(2)(b) to a bathroom in the 71st Precinct stationhouse and took the handcuffs off of § 87(2)(b). Officer Houlihan left the bathroom and Sergeant Abrahams then handcuffed § 87(2)(b) with § 87(2)(b)'s hands positioned at his back, stood in front of him, and punched him in the stomach. § 87(2)(b)'s stomach was in pain due to the punch, but he did not have any bruises from the punch. Officer Insauto and Sergeant Abrahams took § 87(2)(b) to another room and Officer Insauto pushed § 87(2)(b) on the way to the room and termed him a "bitch." Officer Houlihan, Officer Insauto, and Sergeant Abrahams went into the room with § 87(2)(b). When § 87(2)(b) was in the room, Sergeant Abrahams pulled § 87(2)(b)'s legs out from beneath him and § 87(2)(b) fell to the floor on his back and he sustained cuts to his back that bled, as his back made contact with his handcuffs when he fell on the ground. § 87(2)(b) stated that he didn't physically resist being strip searched, but rather just told the officers that he would not be strip searched. Sergeant Abrahams pulled § 87(2)(b)'s pants and boxers off of him and a bag of marijuana fell to the floor from the front of his pants when he did so. § 87(2)(b)

§ 87(2)(b) did not seek medical attention for any injuries and did not request medical treatment. § 87(2)(b) stated that he did not think that the officers would help him obtain medical treatment and he cleaned the cuts to his back upon being released.

On August 13, 2006, at about 9:30 PM, § 87(2)(b) exited a grocery store located at 1037 Nostrand Avenue in Brooklyn. § 87(2)(b) stated that Officer Houlihan, who was driving an unmarked police vehicle, and the same three unidentified officers stopped him. However, the investigation determined that Officer Insauto and Sergeant Abrahams were the only officers involved in the arrest. When § 87(2)(b) exited the store, he noticed the officers parked directly in front of the store. Officer Insauto and Sergeant Abrahams exited the vehicle, handcuffed § 87(2)(b), searched him, and transported him to the 71st Precinct stationhouse. Officer Insauto and Sergeant Abrahams took § 87(2)(b) into a bathroom in the stationhouse and instructed him to take off his pants and boxers. § 87(2)(b) was compliant and no narcotics were recovered during the strip search. § 87(2)(b) was told that narcotics that were found in the street were his and he denied they belonged to him. § 87(2)(b)

On August 31, 2006, outside of the same grocery store § 87(2)(b) was speaking with his friend § 87(2)(b) whose name is § 87(2)(b). No items were exchanged between § 87(2)(b) and § 87(2)(b). Officer Houlihan and the same three unidentified officers stopped in the same car near § 87(2)(b). Officer Insauto arrested § 87(2)(b) and § 87(2)(b). During the searches of § 87(2)(b) and § 87(2)(b) a bag of marijuana was recovered from § 87(2)(b) and § 87(2)(b) were transported to the 71st Precinct stationhouse. § 87(2)(b) was strip searched and no contraband was found during the strip search. The officers informed him that a bag of crack cocaine was found in the van in which he was taken to the 71st Precinct stationhouse. § 87(2)(b) denied that the crack cocaine belonged to him. § 87(2)(b)

§ 87(2)(b) stated that he does smoke marijuana, but does not smoke crack cocaine.

In filing this complaint, § 87(2)(b) stated that he was being harassed by four officers involved in these three incidents, stating that whenever the officers see him they arrest and strip search him. He did not state that physical force was used against him or that he was injured during the incidents. § 87(2)(b) stated that the officers plant drugs on him during the arrests and never find drugs on him during the strip searches. During one of the arrests, the officers claimed to have found drugs and a gun in the van in which § 87(2)(b) was transported, but § 87(2)(b) stated that the drugs and gun may have been another prisoner's. He did not know the dates of the arrests when he filed the complaint.

Results of Investigation

Civilian Statements

§ 87(2)(b) provided a statement regarding the incident on August 31, 2006 in a telephone conversation with Inv. Hager on December 5, 2006 (encl. 8A). § 87(2)(b) stated he does not know § 87(2)(b) very well and is familiar with § 87(2)(b) only because they live in the same

neighborhood. Before they were approached by officers, § 87(2)(b) and § 87(2)(b) were together in front of a bodega only as a matter of coincidence and were not speaking with one another. § 87(2)(b) stated that a bag of marijuana was found in one of his pockets when the officers searched him at the scene. The officers informed him and § 87(2)(b) that cocaine and a gun was found in the van in which they were transported to the 71st Precinct stationhouse. No other prisoners were in the van. § 87(2)(b) stated that two officers at the front desk of the precinct cursed at § 87(2)(b) in telling him that he was being arrested for a felony, but he refused to provide descriptions of the officers. § 87(2)(b) was strip searched at the 71st Precinct stationhouse and he stated that he was informed by § 87(2)(b) that he was strip searched as well and that the one officer conducting the strip search was one of the plain clothed white males who stopped him. § 87(2)(b) refused to further describe the officer involved in the strip search other than stating that the officer was a white male. § 87(2)(b)

§ 87(2)(b) did not want to provide an in-person statement, remarking that he did not want trouble with the police. Inv. Hager assured § 87(2)(b) that any retaliation would be taken very seriously, but he stated that he did not want to cooperate further with the investigation and refused to provide a phone number. § 87(2)(b) stated that no one from the CCRB or NYPD coerced him regarding this decision. § 87(2)(b)

Officer Statements

Officer Paul Insauto of the 71st Precinct was interviewed at the CCRB on January 17, 2007 (encl. 16A-B). Officer Insauto is a § 87(2)(b)

He also made statements regarding the incidents on August 2 and 13, 2006 in his memo book (encl. 9A-D), a stop and frisk report concerning the August 2, 2006 incident (encl. 10A), the criminal court complaint concerning the August 2, 2006 incident (encl. 12A), on-line booking arrest reports (encl. 11A-B and 14A-B), and a UF-61 report concerning the incident on August 13, 2006 (encl. 15A-B). These statements were consistent with one another and have been condensed in the following narrative.

On August 2, 2006, Officer Insauto worked from 3:00 PM to 5:35 AM with Sergeant Abrahams as part of the 71st Precinct SNEU team in an unmarked police vehicle. Officer Insauto and Sergeant Abrahams were conducting a narcotics observation in the vicinity of Nostrand Avenue and Sterling Street at about 10:00 PM, an area in which the SNEU team has made numerous narcotics related arrests in the past year and these arrests typically occur at night. Officer Insauto and Sergeant Abrahams saw an individual later identified as § 87(2)(b) hand § 87(2)(b) an unknown amount of cash whereupon § 87(2)(b) made another hand-to-hand exchange with § 87(2)(b). Officer Insauto and Sergeant Abrahams then stopped § 87(2)(b) and § 87(2)(b) handcuffed them, and transported them to the 71st Precinct stationhouse at 10:15 PM. § 87(2)(b) was frisked and searched at the scene incident to his arrest. At the 71st Precinct stationhouse at about 10:25 PM, § 87(2)(b) was brought into the muster room. Officer Insauto and Sergeant Abrahams asked § 87(2)(b) to relinquish any drugs he had on his person and § 87(2)(b) claimed that he did not have any drugs. Officer Insauto and Sergeant Abrahams then brought § 87(2)(b) into a bathroom to conduct a strip search. § 87(2)(b) refused to take off his clothes and Sergeant Abrahams repeatedly ordered him to take off his clothes. § 87(2)(b) eventually complied without being physically forced to do so. Officer Insauto searched § 87(2)(b)'s clothes and found a pouch sewn into his pants that contained marijuana. Officer Insauto denied that he or Sergeant Abrahams pulled § 87(2)(b)'s legs out from under him, punched him, or called him a "bitch." § 87(2)(b) did not complain of any injuries and Officer Insauto did not see any injuries on § 87(2)(b).

On August 13, 2006, Officer Insauto worked from 4:00 PM to 4:05 AM. Officer Insauto and Sergeant Abrahams were assigned to the crime prevention unit and assigned to an unmarked police vehicle. The owner of a store located at 1037 Nostrand Avenue, whose name Officer Insauto did not recall, called the 71st Precinct stationhouse and reported that an individual was selling drugs out of a brown bag in front of his store. A description of the individual was provided, but Officer Insauto could not recall that description. Officer Insauto and Sergeant Abrahams responded to the location and parked across the street from the store at about 9:25 PM and saw § 87(2)(b) who matched the description provided by the store owner, in front of the store. From across the street, Officer Insauto saw § 87(2)(b) put a large brown paper bag on the ground, looked in it, and took out a large bag filled with marijuana. Officer Insauto and Sergeant Abrahams approached § 87(2)(b) and arrested him at about 9:30 PM. § 87(2)(b) was frisked

and searched incident to the arrest. In searching § 87(2)(b) eleven zip lock bags of marijuana were found on his person. § 87(2)(b) was brought to the 71st Precinct stationhouse at 9:45 PM. Officer Insauto could not recall if § 87(2)(b) was strip searched.

On August 31, 2006, Officer Insauto worked from 5:00 PM to 4:05 AM. Officer Insauto was assigned to the 71st Precinct SNEU team and he could not recall the names of the officers with whom he was working. He was assigned to an unmarked police vehicle. Officer Insauto stated that he was not involved in the arrest of § 87(2)(b) on August 31, 2006, but was aware that § 87(2)(b) was arrested by members of the SNEU team on that date. Officer Insauto helped complete paperwork related to the arrest at the 71st Precinct stationhouse, but he did not recall interacting with § 87(2)(b).

Officer Michael Houlihan of the 71st Precinct was interviewed at the CCRB on May 4, 2007 (encl. 18A-B). Officer Houlihan is a 5'9", 240 pound white male with blonde hair and blue eyes who is thirty-three years old. He did not have any memo book entries of interacting with § 87(2)(b) (encl. 17A-D). His statement was somewhat consistent with that of Officer Insauto and has been condensed in the narrative below.

Officer Houlihan stated that on August 2, 2006, he was assigned to the SNEU team, but was assigned to perform administrative duties for the day and did not recall what vehicle he was using when he left the stationhouse. He worked from 5:00 PM to 1:35 AM. While Officer Houlihan was performing administrative duties at the 71st Precinct stationhouse, he received a call from Officer Insauto, who was observing a narcotics transaction. Officer Houlihan went to the corner of Nostrand Avenue and Sterling Street, where Officer Insauto was positioned. They observed § 87(2)(b) who they had previously arrested for narcotics related activity, approach § 87(2)(b) § 87(2)(b) gave § 87(2)(b) money and § 87(2)(b) gave § 87(2)(b) marijuana in open view. He estimated that they watched § 87(2)(b) for about seven minutes before approaching § 87(2)(b) and § 87(2)(b) and arresting both of them. Officer Houlihan stated that marijuana was recovered from § 87(2)(b) but did not know what was recovered from § 87(2)(b). § 87(2)(b) was cooperative with the arrest. Officer Houlihan did not recall interacting with § 87(2)(b) at the stationhouse. He described § 87(2)(b) as "very respectful" and wasn't aware of any problems with § 87(2)(b) at the stationhouse. Officer Houlihan did not recall being involved in a strip search of § 87(2)(b) but would have expected one to be conducted, given the nature of the arrest. Officer Houlihan did not see any officers use physical force against § 87(2)(b) or hear any officers curse at him.

On August 13, 2006, Officer Houlihan worked from 7:30 PM to 4:05 AM and was assigned to perform overtime duties in regards to a spike in crime in the 71st Precinct. He did not know with whom he worked or what vehicle he used on August 13, 2006. Officer Houlihan did not recall interacting with § 87(2)(b) on August 13, 2006 or whether or not § 87(2)(b) was arrested on August 13, 2006. He stated that he is aware of § 87(2)(b) having been arrested numerous times in the 71st Precinct, as he checks the arrest logs often. He did not recall being involved in a strip search of § 87(2)(b) on August 13, 2006.

On August 31, 2006, Officer Houlihan worked from 5:00 PM to 1:35 AM and was assigned to perform administrative duties until 10:00 PM, at which point he went on patrol. Officer Houlihan did not know which vehicle he used on August 31, 2006 or with whom he worked. Officer Houlihan explained that when he is assigned to perform administrative duties, he'll receive a call from a member of the SNEU team in the field and respond quickly to address the situation and then return to the stationhouse perform administrative duties. Officer Houlihan did not recall interacting with § 87(2)(b) on August 31, 2006. When told that § 87(2)(b) was arrested on August 31, 2006, Officer Houlihan stated that he didn't recall being involved in the arrest. Officer Houlihan did not recall being involved in a strip search of § 87(2)(b) on August 31, 2006.

Sergeant Gregory Abrahams of the 71st Precinct was interviewed at the CCRB on June 4, 2007 (encl. 27A-B). Sergeant Abrahams is a § 87(2)(b). Sergeant Abrahams did not have any memo book entries concerning his interaction with § 87(2)(b) (encl. 26A-D). His statement was mostly consistent with those of Officer Houlihan and Officer Insauto, and is condensed in the narrative below.

On August 2, 2006, Sergeant Abrahams worked from 5:00 PM to 1:57 AM as the SNEU supervisor and did not know with whom he was working or what unmarked police vehicle he used. He did not recall the details of arresting § 87(2)(b) on August 2, 2006, but stated he was present for the arrest. Sergeant Abrahams "absolutely did not" recall any physical force being used on § 87(2)(b) on August 2, 2006, stating that § 87(2)(b) was cooperative with the arrest and was strip searched, though § 87(2)(b) at

first refused to take off his clothes. § 87(2)(b) told the officers that they wanted to strip search him because “they are homosexuals.” Other than this comment, Sergeant Abrahams stated that § 87(2)(b) was “never vulgar” with the officers. Sergeant Abrahams did not recall hearing any officer cursing at § 87(2)(b). Sergeant Abrahams stated that he authorized the strip search because he believed § 87(2)(b) may have had narcotics on his person and § 87(2)(b) “always wears like three or four pairs of pants” in which he may conceal narcotics. Sergeant Abrahams did not recall the specifics of the strip search.

On August 13, 2006, Sergeant Abrahams did not work, which is documented in his memo book.

On August 31, 2006, Sergeant Abrahams worked as the SNEU supervisor from 5:00 PM to 1:57 AM. He did not recall with whom he was working or what police vehicle he used. Sergeant Abrahams stated that he was present for the arrest of § 87(2)(b) and § 87(2)(b) but did not recall the particulars of the arrests. In accordance with police procedure, the officers searched the vehicle in which § 87(2)(b) was transported from the scene to the 71st Precinct stationhouse and recovered cocaine in the vehicle. A strip search was performed of § 87(2)(b) and § 87(2)(b) but Sergeant Abrahams didn’t recall the strip searches. Sergeant Abrahams stated that he authorizes the strip searches for the SNEU team and documents the strip searches in the Command Log.

Officer Mark Zajac of the 71st Precinct was interviewed at the CCRB on May 10, 2007 (encl. 23A-B). Officer Zajac is a § 87(2)(b).

Officer Zajac also made statements regarding the incident on August 31, 2006 in his memo book (encl. 19A-E) and in the UF-61 (encl. 21A-B), on-line booking arrest report (encl. 22A-B), and arrest report (20A-B) concerning the incident. His statements were mostly consistent with those of Officer Houlihan, Sergeant Abrahams, and Officer Insauto and have been condensed in the following narrative.

Officer Zajac did not work on either August 2 or 13, 2006, as is indicated in his memo book.

On August 31, 2006, Officer Zajac worked from 5:00 PM to 1:35 AM as part of the SNEU team. He didn’t recall with whom he was working or what unmarked police vehicle he used. Officer Zajac did not recall the specifics of having arrested § 87(2)(b) on August 31, 2006, but he stated that at about 10:00 PM he was observing § 87(2)(b) near the corner of Nostrand Avenue and Sterling Street and he observed him perform a drug transaction with § 87(2)(b). Officer Zajac arrested both § 87(2)(b) and § 87(2)(b). He did not recall the specifics of the transaction and observing the arrest report related to the incident did not refresh his memory. Officer Zajac did not recall performing the strip search of § 87(2)(b) but stated that he may have conducted the strip search of § 87(2)(b) on August 31, 2006. The members of the SNEU team usually have the strip searches authorized by the SNEU team sergeant, who was Sergeant Abrahams. Officer Zajac stated that cocaine was recovered from § 87(2)(b) but couldn’t recall if it was recovered at the scene or at the stationhouse. Officer Zajac stated that he doesn’t recall having interacted with § 87(2)(b) outside of the incident on August 31, 2006.

Officer Eric Perez of the 71st Precinct was interviewed at the CCRB on May 22, 2007 (encl. 25A-B). Officer Perez is a § 87(2)(b).

Officer Perez did not have any memo book entries (encl. 25A-B) concerning interacting with § 87(2)(b).

Officer Perez did not recall ever having interacted with § 87(2)(b) on any date. When told that § 87(2)(b) was arrested for narcotics related activity on August 2, 13, and 31, 2006, Officer Perez stated that he didn’t recall being involved in these arrests. When shown a picture of § 87(2)(b) Officer Perez stated that he was not familiar with § 87(2)(b). He didn’t recall being involved in any strip searches of § 87(2)(b).

On August 2, 2006, Officer Perez worked from 5:30 PM to 2:05 AM as the 71st Precinct Field Training Officer. In this position, Officer Perez responds to jobs throughout the precinct.

On August 13, 2006, Officer Perez was assigned to Impact Auto and worked from 5:30 PM to 2:05 AM in marked police vehicle #2128. He made an arrest at 9:14 for a stolen vehicle.

On August 31, 2006, Officer Perez stated that he did not know what hours he worked, but stated that he would have come to the stationhouse to process an arrest he made on August 30, 2006 and “seriously doubted” that he would have left the stationhouse at all.

Officer Christopher Muller of the Narcotics Borough Brooklyn South was interviewed at the CCRB on June 15, 2007 (encl. 29A-B). Officer Muller is a § 87(2)(b).

§ 87(2)(b). Officer Muller did not have any memo book entries concerning interacting with § 87(2)(b) (encl. 28A).

Officer Muller did not recall ever having interacted with § 87(2)(b). When shown a picture of § 87(2)(b) Officer Muller stated that he is not familiar with him.

Police Documents

August 2, 2006

The 71st Precinct Prisoner Holding Pen Roster for August 2, 2006 (encl. 31A-B) does not list § 87(2)(b) or § 87(2)(b) as having been in the holding cells on August 2, 2006.

The 71st Precinct Command Log for August 2, 2006 (encl. 30A) indicates that § 87(2)(b) was at the front desk at 10:10 PM and was arrested for criminal sale of marijuana by Officer Insauto. It notes that § 87(2)(b) was strip searched and Sergeant Abrahams authorized the strip search.

The BADS arrest report prepared in regards to the arrest of § 87(2)(b) indicates that he was § 87(2)(b). It states that physical force was not used. A search by name, precinct, and date indicates that a BADS arrest report was not prepared in regards to § 87(2)(b).

The Property Clerk's Invoice concerning the arrest of § 87(2)(b) (encl. 32A) indicates that one large zip lock bag of marijuana and five small zip lock bags of marijuana were vouchered for § 87(2)(b).

The 71st Precinct Roll Call for tour three of August 2, 2006 (encl. 33A-H) indicates that Sergeant Abrahams was the SNEU team sergeant and that Officer Insauto and Officer Jugraj were assigned to the SNEU team. Officer Houlihan was assigned to stationhouse duties. Officer Zajac is listed as having been on vacation.

August 13, 2006

The 71st Precinct Holding Pen Roster for August 13, 2006 (encl. 35A) does not list § 87(2)(b) as having been in the holding cells on August 13, 2006.

The 71st Precinct Command Log for August 13, 2006 (encl. 34A) indicates that § 87(2)(b) was at the front desk at 9:35 PM and was arrested by Officer Insauto. The entry notes that Sergeant Abrahams authorized the strip search and that four zip lock bags of marijuana were found in § 87(2)(b)'s second pair of underwear. It also indicates that Officer Houlihan made an § 87(2)(b).

§ 87(2)(b).

§ 87(2)(b).

The Property Clerk's Invoice concerning the arrest of § 87(2)(b) (encl. 36A) indicates that one large zip lock bag of marijuana and ten small zip lock bags of marijuana were recovered from § 87(2)(b).

The 71st Precinct Roll Call for tour three of August 13, 2006 (encl. 37A-H) indicates that Officer Perez was assigned to the SNEU team. It does not list Officer Insauto or Sergeant Abrahams as working.

August 31, 2006

The 71st Precinct Holding Pen Roster for August 31, 2006 (encl. 38AA-CC) does not indicate § 87(2)(b) as having been in the holding cells on August 31, 2006.

The 71st Precinct Command Log for August 31, 2006 (encl. 38A-P) indicates that at 10:05 PM § 87(2)(b) and § 87(2)(b) were at the front desk. § 87(2)(b) was listed as having been arrested for criminal sale of marijuana by Officer Zajac. The entry does not list § 87(2)(b) or § 87(2)(b) as having been strip searched.

§ 87(2)(b).

The Property Clerk's Invoice concerning the arrest of § 87(2)(b) (encl. 39A) indicates that six twists of cocaine were recovered from § 87(2)(b).

The 71st Precinct Roll Call for tour 3 of August 31, 2006 (encl. 40A-K) indicates that Officer Insauto, Officer Kirch, Officer Zajac, and Officer Weng were assigned to the SNEU team. Officer Houlihan is listed as having worked the second tour. Sergeant Abrahams is not listed on the roll call.

§ 87(2)(b)

Officer CCRB History

Officer Paul Insauto has been with the NYPD for four years and has not been the subject of any substantiated allegations (encl. 3A). Sergeant Gregory Abrahams has been with the NYPD for twelve years and has been the subject of one substantiated allegation. In CCRB case #200507523, Sergeant Abrahams was the subject of a substantiated allegation concerning a refusal to provide his name and/or shield number (encl. 2A). He received instructions as a penalty for the substantiated allegation.

Complainant CCRB History

§ 87(2)(b) has not filed any other complaints with the CCRB (encl. 4A).

Notice of Claim

§ 87(2)(b) of the NYC Comptroller's Office confirmed on June 25, 2007 that § 87(2)(b) has not filed a notice of claim in regards to the incidents on August 2, 13, and 31, 2006.

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) described a black or Hispanic male officer dressed in plain clothes and about 5'10" and slightly more than 180 pounds punched him and pulled his legs out from under him at the stationhouse. Sergeant Abrahams is a dark skinned Hispanic male officer who is 5'10" and weighs 190 pounds. He is the only dark skinned officer on the 71st Precinct SNEU team and his appearance is similar to the description that § 87(2)(b) provided. § 87(2)(b) alleged that the physical force occurred directly before the strip search and the subject officer was one of the officers involved in the strip search. Sergeant Abrahams acknowledged that he was present for the strip search of § 87(2)(b) on August 2, 2006. Therefore allegation A has been pled against Sergeant Abrahams.

Also, § 87(2)(b) described a Hispanic male officer who is about 5'7" and weighs 170 pounds who pushed him at the stationhouse and termed him a "bitch" and pushed him. § 87(2)(b) stated that this officer was involved in the strip search. Officer Insauto is a white male officer with black hair who is 5'8" and weighs 195 pounds. He appears to be possibly Hispanic and acknowledged that he was present for the strip search on August 2, 2006, and therefore allegation B has been pled against Officer Insauto.

Sergeant Abrahams is the SNEU team supervisor and stated that he authorizes and documents all of the strip searches that are conducted by SNEU team members. Sergeant Abrahams stated that he was working and authorized the strip searches on August 2 and 31, 2006, but stated that he was not working on August 13, 2006. Allegations C and E have therefore been pled against Sergeant Abrahams. The 71st Precinct Command Log for August 13, 2006, lists Sergeant Abrahams as having authorized the strip search of § 87(2)(b) on August 13, 2006, but since Sergeant Abrahams stated that he was not working on August 13, 2006, allegation D has been pled against Officer Insauto, who was § 87(2)(b)'s arresting officer and conducted the strip search on August 13, 2006.

Since Sergeant Abrahams did not document the strip search of § 87(2)(b) on August 31, 2006 as required, § 87(2)(b) has been pled against Sergeant Abrahams.

§ 87(2)(b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(b), § 87(2)(g)

Allegation A: On August 2, 2006, Sergeant Gregory Abrahams used physical force against § 87(2)(b)

§ 87(2)(b) stated that on August 2, 2006 he when he was in a bathroom in the 71st Precinct stationhouse he refused to take off his clothes and an officer identified as Sergeant Abrahams punched § 87(2)(b) in the stomach and then pulled his legs out from under him, causing § 87(2)(b) to fall to the floor on his handcuffs. § 87(2)(b) stated that he sustained lacerations on his back and was bleeding from the lacerations. Both Sergeant Abrahams and Officer Insauto denied that any physical force was used against § 87(2)(b) and stated that he eventually complied and took off his clothes for the strip search. The officers did not see any injuries to § 87(2)(b). The fact that § 87(2)(b) did not mention the physical force in filing the complaint and did not seek medical assistance after leaving the 71st Precinct stationhouse brings into question whether or not any physical force was used against § 87(2)(b) as § 87(2)(b) has not made consistent statements regarding the physical force. § 87(2)(b), § 87(2)(g)

Allegation B: On August 2, 2006, Officer Paul Insauto used physical force against § 87(2)(b)

§ 87(2)(b) stated that on August 2, 2006 Officer Insauto pushed him and called him a “bitch” when he was being taken from a bathroom to the muster room. § 87(2)(b) did not allege that he was injured by the push and the description he provided describes the force as very minor. Officer Insauto confirmed that § 87(2)(b) was taken from the muster room to a bathroom, but stated that he did not use any physical force against § 87(2)(b). § 87(2)(b), § 87(2)(g)

Allegation C: On August 2 and 31, 2006, Sergeant Gregory Abrahams authorized the strip searches of § 87(2)(b)

Allegation D: On August 13, 2006, Officer Paul Insauto strip-searched § 87(2)(b)

§ 87(2)(b) was strip searched on August 2, 13, and 31, 2006. Sergeant Abrahams further stated that he was present for and authorized the strip searches on August 2 and 31, 2006, but stated that he was not working on August 13, 2006. It is documented in the Command Log that Sergeant Abrahams authorized the strip search that Officer Insauto conducted of § 87(2)(b) on August 13, 2006. On August 2, 2006, Officer Insauto, Officer Houlihan, and Sergeant Abrahams witnessed § 87(2)(b) conduct a hand-to-hand drug transaction and believed that he had narcotics concealed on his person. On August 13, 2006, Officer Insauto arrested § 87(2)(b) while he was carrying a bag of narcotics. He had then previously been known to Sergeant Abrahams and the officers to conceal narcotics on his person. In the incident on August 31, 2006, Officer Zajac witnessed § 87(2)(b) committing a drug transaction and found cocaine in the vehicle in which § 87(2)(b) had been taken to the 71st Precinct stationhouse, thus raising the officers’ suspicion that § 87(2)(b) may be concealing narcotics. Narcotics were vouchered in regards to each incident. NYPD Patrol Guide Procedure 208-05 (encl. 1A-B) states that “A strip search will be utilized when the arresting officer reasonably suspects that weapons, contraband or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by the previous search methods.” The arrest circumstances and reputation of the individual are listed as factors that are to be

considered in raising the officers' suspicion that the individual is concealing contraband or evidence. On August 2, 2006, § 87(2)(b) was witnessed to have been exchanging narcotics for cash and was denying that he had any narcotics. On August 13 and 31, 2006, Sergeant Abrahams was aware that § 87(2)(b) had concealed narcotics before and he was seen handling narcotics. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation E: On August 31, 2006, Sergeant Gregory Abrahams authorized the strip search of
§ 87(2)(b)

On December 5, 2006, § 87(2)(b) informed Inv. Hager that he would not like to participate in the investigation and that he was not being coerced by members of the NYPD or CCRB. As § 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: